

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

LARISA SOPKA, DANIELA SOPKA,  
TATYANA SOPKA,

Plaintiff,

VS.

WEA SOUTHCENTER LLC, d/b/a  
WESTFIELD SOUTHCENTER MALL, a  
Delaware limited liability company doing  
business in the state of Washington; URW  
WEA LLC, a Delaware limited liability  
company doing business in the State of  
Washington; THE CHEESECAKE  
FACTORY RESTAURANTS, INC., a  
California corporation doing business in the  
State of Washington; WESTFIELD, LLC, a  
Delaware limited liability company doing  
business in the State of Washington;  
WESTFIELD PROPERTY  
MANAGEMENT LLC, a limited liability  
company doing business in the State of  
Washington; WESTFIELD AMERICA  
LIMITED PARTNERSHIP, a Delaware  
limited partnership doing business in the  
State of Washington; WESTFIELD DDC  
INC., a Delaware corporation doing  
business in the state of Washington;  
WESTFIELD DEVELOPMENT INC. d/b/a  
WESTFIELD DEVELOPMENT OF  
WASHINGTON INC., a Delaware  
corporation doing business in the State of  
Washington; SOUTHCENTER OWNER  
LLC, a Delaware limited liability company  
doing business in the State of Washington;

NO. 2:24-cv-00011-BJR

## **STIPULATION RE NECESSARY AND PROPER CORPORATE DEFENDANTS**

32970221.1:12399-0007

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CORPORATE DEFENDANTS

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# PFAU COCHRAN VERTETIS AMALA ATTORNEYS AT LAW

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(253) 777-0799 | Fax: (253) 627-0654

1 JOHN AND JANE DOES 1-5, individuals  
 2 or entities,

3 Defendants.

4 The parties have reached an agreement regarding the necessary and proper corporate  
 5 defendants among the following defendants Plaintiffs have named in the case: WEA  
 6 Southcenter LLC, d/b/a Westfield Southcenter Mall; URW WEA LLC; Westfield, LLC;  
 7 Westfield Property Management LLC; Westfield America Limited Partnership; Westfield DDC  
 8 Inc.; Westfield Development Inc. d/b/a/ Westfield Development of Washington Inc.; and  
 9 Southcenter Owner LLC (collectively, "Westfield Entities"). The following recitals and  
 10 stipulations comprise this agreement.

11 Plaintiffs have included the Westfield Entities in their complaint to ensure that they have  
 12 identified the correct defendant or defendants with the responsibility and legal duty for tort  
 13 events within the Southcenter Mall complex. Further, Plaintiffs have sought to ensure that they  
 14 have included the correct defendants for securing insurance policies, discovery, and/or other  
 15 assets to cover potential liability exposure for the damages sought in their lawsuit.

16 After investigation, counsel for the Westfield Entities indicates that among the  
 17 Westfield Entities, Defendant Southcenter Owner LLC is the only necessary defendant for  
 18 purposes of meeting the goals sought by plaintiffs as set out above. The Westfield Entities,  
 19 collectively, have asked Plaintiffs to dismiss by voluntary non-suit: WEA Southcenter LLC,  
 20 d/b/a Westfield Southcenter Mall; URW WEA LLC; Westfield, LLC; Westfield Property  
 21 Management LLC; Westfield America Limited Partnership; Westfield DDC Inc.; and Westfield  
 22 Development Inc. d/b/a/ Westfield Development of Washington Inc. (collectively the  
 23 "Dismissed Westfield Entities") at this point, affirmatively warranting that all Dismissed  
 24 Westfield Entities are superfluous and unnecessary.

25 To facilitate this request, the Dismissed Westfield Entities have agreed to toll the statute  
 26 of limitations for all Plaintiffs' claims against the Dismissed Westfield Entities which would be  
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1 dismissed by voluntary non-suit and, in the event Plaintiffs deem it necessary at some point, to  
 2 permit the amendment of the Complaint to add the Dismissed Westfield Entities back into the  
 3 suit without objection, without the risk of a motion to dismiss under the statute of limitations,  
 4 and without motion for continuance as a result. Additionally, Defendant Southcenter Owner  
 5 LLC agrees to (1) waive any argument or defense that any of the Dismissed Westfield Entities  
 6 owned, possessed, or controlled the premises at issue in this lawsuit at the time of the incident;  
 7 (2) waive any argument or defense attempting to apportion fault to any of the Dismissed  
 8 Westfield Entities; and (3) will not assert that any information or document that is otherwise  
 9 discoverable is not subject to disclosure or production because the information or document is  
 10 in the possession or control of one of the Dismissed Westfield Entities.

11 Plaintiffs accept this proposal and its conditions from the Westfield Entities. Plaintiffs  
 12 will dismiss by voluntary non-suit the Dismissed Westfield Entities in exchange for the tolling  
 13 agreement and the right to add the Dismissed Westfield Entities back in without objection and  
 14 without creating grounds for a continuance. Plaintiffs will circulate a stipulated voluntary non-  
 15 suit order to dismiss the Dismissed Westfield Entities by June 7, 2024.

16 SIGNED this 31st day of May, 2024.

18 **PFAU COCHRAN VERTETIS AMALA PLLC**

19 By: /s/ Darrell L. Cochran

20 Darrell L. Cochran, WSBA No. 22851  
 21 *Attorney for Plaintiff*

22 By: /s/ Kevin M. Hastings

23 Kevin M. Hastings, WSBA No. 42316  
 24 *Attorney for Plaintiff*

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1 **WOOD SMITH HENNING & BERMAN LLP**  
2

3 By: /s/ Timothy D. Shea  
4

5 Timothy D. Shea, WSBA No. 39631  
6

7 *Attorney for Southcenter and Westfield  
8 Defendants*

9 **Chock Barhoum LLP**  
10

11 By: /s/ Sarah Tuthill-Kveton  
12

13 Sarah Tuthill-Kveton, WSBA No. 51801  
14

15 *Attorney for Defendant Cheesecake Factory*  
16

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25 VERTETIS AMALA  
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## **CERTIFICATE OF SERVICE**

I, **Katie Hedger**, hereby declare under penalty of perjury under the laws of the State of Washington that I am employed at Pfau Cochran Vertetis Amala, PLLC, and that on the below date I caused to be served via ECF the foregoing document all counsel of record.

Timothy D. Shea  
Colin J. Troy  
Wood, Smith, Henning & Berman LLP  
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Kirkland, WA 98033  
*Attorneys for Defendants WEA Southcenter LLC; URW WEA LLC; Westfield, LLC;  
Westfield Property Management LLC; Westfield America Limited Partnership;  
Westfield DDC Inc.; Westfield Development Inc.; and Southcenter Owner LLC*

Sarah Tuthill-Kveton  
Chock Barhoun LLP  
121 SW Morrison Street, Ste. 500  
Portland, OR 97204  
*Attorney for Defendant Cheesecake Factory*

**DATED** this 31st day of May, 2024.

/s/ Katie Hedger  
Katie Hedger  
Legal Assistant